

09 March 2018

**LA BELLA VITA PROPERTY HOME OWNERS ASSOCIATION
SPECIAL MEETING
HELD AT LBV WINE ESTATE ENTRANCE OFFICE**

PRESENT:

- Joe Link – Villa Bellevue (Chairman) (JL)
- Kobus Pienaar - Villa Winterberg (KP)
- Zania Kellerman – Villa Paarlberg (ZK)
- Andre van der Westhuizen - Villa Simonsberg (AW)
- Hanlie Roodt (HR) – Villa Olifantspiek and Villa Middagkrans
- Theo du Toit – Villa Haumann (TD)
- Lise Liebenberg (LL) and Jadrick Coetzee (JC) - Villa Donkerkloof and Studios (Avignon, Bayonne, Epernay, Orleans, Tours, Rocherfort)
- Peter van Niekerk (PVN) – Studios Metz and Montpellier
- Ingrid(IH) and Graham Hindle (GH) – Sante Winelands Wellness Retreat

- Linda Mittan – Estate Manager (LM)

PROXIES:

- Ridwaan and Raziek Rajah (Villa Drakenstein) – proxy to Graham & Ingrid Hindle
- Samuel Seeff (Villa Attekwasloof) – proxy to Graham & Ingrid Hindle
- Louise Weir (Villa Platberg) – proxy to Jadrick Coetzee
- Deon Huysamer (Villa Assegaaibos) – proxy to Jadrick Coetzee
- Gavin Khoury (Villa Khoury and Open Plot) – proxy to Zania Kellerman
- Mark Sonik (Villa Marais) – proxy to Zania Kellerman
- Edward Belstead (Villa Kanonkop) – proxy to Lise Liebenberg

OPENING AND REGISTRATION OF ATTENDEES:

Meeting starts on time.

JL welcomed and thanked everyone for taking the time to attend this special meeting

JL asked whether there would be any objection changing the sequence of the agenda – no objection by any members

Suggested Agenda for the meeting (not in this order)

- 1 Opening and registration of attendees
- 2 Presentation of the budget 2018 / 2019
- 3 Payment of levies to LBV
- 4 LBV employees
 - own staff members
 - work schedule (daily/weekly/monthly) for our workers
- 5 Mandate to trustees to resolve differences with Akarana Home Owners Association and recovering assets
- 6 Establishing of a Water Association
- 7 Additional Trustees
- 8 Combined farming and outstanding farming levies

9 Discussion and vote for special levies in order to cover legal costs

KP confirmed that based on attendees – quorum is reached for voting during meeting

Signing of attendance register completed

PAYMENT OF LEVIES, CONSTITUTIONS, MEDIATION PROCESS

JL stated that they have received a letter from Faure & Faure confirming that they are suggesting mediation as a medium between all 3 associations. Alan Nelson, a retired senior advocate residing in Paarl area, was suggested as a potential mediator

IH asked what was the outcome of the letter received from Riaan Meintjies

AW confirmed the letter referred to a private initiative from his side and await response by Tuesday 13 March 2018.

JL made it clear to all members that he will not be part of any legal fight that involves considerable legal cost and will only consider mediation.

JL suggested the option of an outside contract for management of the entire Estate (LBV PHOA responsible area). He has two proposed contractors and both specialize in this area

IH stated that only after mediation each association would know who managed what area/aspect

JL stated that it is clear that we need new constitutions that follow the actual law and according to the individual needs and what frame each association can work with

We also need separate agreements that the associations won't interfere with one another

AW – confirm that the current constitutions lack rules

KP – stated that when the notice was given of this special meeting the mind set among trustees were very different than now that mediation is an option.

A willingness from all parties that we want to follow a structured process to come to an agreement

IH – confirmed that we could only ask for quotes once we know what we are dealing with and who is responsible for what.

LL – asked whether there is a clear guideline and list on what we need to get mediation on and the applicable cost. Or whether it is an open ended and who will be responsible for the cost

JL – Stated that there is an acceptance from Bruce Glazer to continue with mediation

GH – stated that AMHOA will consider mediation however there will be a pre-condition that levies will need to be paid up. At the moment the levy accounts stands as follows:

SWBC – 100% up to date

LBV – R 300 000 approx behind in levies

Akarana - 100% up to date

GH – stated that Akarana is very open for mediation but levies will have to be brought up to date. There are certain members that are not paying.

AW – stated there are no specific rules in any of the constitutions.

ZK – stated that Bruce meter shows that he uses 60% usage Simondium water usage for the hydroponics and questioned the allocation of security cost within the current budget.

PV – Reminded all members that we should not worry about the “small” things and try not to break every issue into the smallest bits. We need to remind ourselves that we live on a precious place

KP – Mentioned that he understand the condition to mediation and LBV members who is not paying or paid short will need to be convinced to pay up until end period of mediation.

JL – Need a sufficient time frame for mediation and together with Bruce Glazer, the 20 June 2018 has been agreed upon.

KP – mediator will sit separately with each association and if/when needed, will liaise with parties together. The suggested mediator is Alan Nelson.

JC – Confirmed that the budget was approved in Kobus Pienaar email 25 May 2017 and needed to be accepted at the AGM

JL – confirmed that the Estate needs to run for the next few months. Even should some members agree or not agree with the levies, we agree that it needs to be paid until mediation.

ZK – confirmed that Gavin Khoury stated he will not pay full levies

AW – Everyone is members of LBV as well of Akarana

IG – reminded all members that levies are a recovery of oost.

GH - Akarana is paying for all invoices at the moment so until the end of mediation levies must be paid to Akarana.

IH – Majority of voting people of LBV are paying their levies. We cannot allow 3-4 people creating anxiety; we are trying to avoid chaos.

AW – suggested a service level agreement between Akarana and LBV

LL – members need to find a reason to agree and not to disagree. Confirmed that all members was invited on the 24th May 2017 to a meeting where the budget was presented

AW – suggest that all members need to pay up until the end of mediation to keep the Estate running

TD – members need to state a valid reason why they are not paying

JL – Asked all members whether they will be happy to vote on a resolution as follows:

That we vote on a resolution that we say that

“It is not that we accept the amounts, it is only that we accept that the Estate has to run for the entire period of mediation and therefore we urge our members to pay what is outstanding and pay the full levy”

AW – affirmed above and that all members agree that Akarana runs the Estate until the end of mediation

13 x members **agreed to** the above resolution.

5 x members **voted against** above resolution i.e.

- Villa Khoury - Gavin Khoury x 2 properties
- Villa Paarlberg - Zania Kellerman
- Villa Middagkrans – Dietlof Ziegfried
- Villa Olifantspiek – Dietlof Ziegfried

ADDITIONAL TRUSTEES

JL suggested voting on the appointed new trustees:

JL – asked AW whether he would be able to hold back with arbitration if he sees that there is movement with the mediation

AW – suggest that he prefer to hold back on his decision for opted trustee until he has received his outcome from Riaan Meintjies and his meeting with Akarana

KP – suggest joining trustee board and he could then resign again

Outcome of voting:

- Mark Sonik – **14 votes** yes as new elected trustee
- Andre van der Westhuizen – **8 votes yes** and 7 votes against new trustee
- Lise Liebenberg – **15 votes yes** as new elected trustee

(Absent members / no proxy specified - no votes applicable Mark Sonik, Wimpie Hanekom and Edward Bellstead)

Based on above, all 3 new members elected as newly elected trustees. Andre van der Westhuizen to confirm by Tuesday 13 March 2018 whether he accepts

WATER ASSOCIATION, FARMING ASSOCIATION, LBV EMPLOYEES, LBV BUDGET

JL furthermore confirmed that there is no point discussing the LBV budget, LBV employees, establishing a Water Association – needs to be discussed after mediation process

AW – state the Developing documents state that Akarana is responsible to farm the entire Estate, including the farming of bigger Akarana properties

AW – suggest that a resolution is raised to all LBV members that the levies will continue to be raised by Akarana

LL – Raised the question what is understand under “Unit Erf” under the LBV Constitution

AW – “Unit Erf” is a portion and/or sectional title number

KP – believes that it is not correct and that this should be changed that each owner should have a vote

JL – needs to receive all final documentation / outstanding invoices from Wimpie Hanekom on Farming. JL will contact Anton du Toit with regards to a report on what still needs to be done on the vineyards for the next 3 months. No formal contract in place but JL to confirm to Anton du Toit that we can not extend his “verbal contract” or services going forward

JC – made a statement that we put the Estate two years back for not “inboeting” the vineyards as previously pointed out. He also questioned why the red grapes have not been harvested as yet and would like to receive a full recon on the Farming and the progress thereof

GENERAL DISCUSSIONS:

JL – End of by encouraging all members to give the trustees as much input as they can. Members must bring ideas, philosophies, suggestions to a newly draft constitution and conduct rules to the trustee members. Until end of June 2018, we continue with reasonable requests as we have in the past. These special requests have to be communicated to all members.

JL – stated that all members need to be aware that the mediation process will occur cost. LBV will stop the services with Riaan Meintjies as lawyer in order to save cost. He will only be contacted should he be needed for a specific opinion

KP – stated that LBV members need to be aware that Riaan Meintjies will soon be invoicing for rendering his services (approx. R100 000,00) and a special levy for all LBV members will need to be raised to cover this cost. Riaan Meintjies was appointed for legal advise to the trustees on the validity of the constitution.

LL/KP – pointed out that Akarana may possible have the same legal costs and LBV members could be hit from both sides for legal cost, as they are members to both LBV and Akarana. Therefore mediation is by far the best option

- Meeting adjourned -